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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT

PAPER NUMBER

2439

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/690,243

**Applicant(s)**

KENRICH, MICHAEL FREDERICK

**Examiner**

FARID HOMAYOUNMEHR

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 16 and 18-48 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 16, 18-48 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed 10/20/2003; amendment filed 1/27/2010.
2. Claims 1-16, 18-48 are pending in the case. All claims have been amended.
3. Interview:

Regarding the interview dated January 21, 2010, applicant states that Examiner agreed that applicant's arguments regarding Futugami would overcome the rejection. However, during the interview, Examiner stated that applicant's arguments presented during the interview were not supported by the claims, and amending the claims such that they capture the applicant's arguments during the interview may overcome the rejection. Applicant has not amended the independent claims to include any new feature. In fact, applicant has eliminated some of the features of the independent claims. Applicant's argument regarding the independent claims, and the dependent claims that do not change the scope of invention is fully addressed in the section titled Response to Arguments. Applicant's argument regarding the new claims which include new features that change the scope of the claims is moot in view of the new associated rejections outlined in the following sections.

***Response to Arguments***

4. Rejection under section 112:

In their previous response filed 8/19/2009, Applicant amended the claims to include the feature of:

"receiving a request for the security change from a requestor, the security change being used for determining access rights ~~to~~ comprising permission to retrieve an electronic file from within a secure file store."

At that point in time, this was the sole amendment to the claims. Hence, Examiner consulted the Specification to determine how the new feature exactly changes the scope of the claim. The Specification did not support any meaning for the word permission. Accordingly, Examiner rejected the claims under section 112, first paragraph, such that the description requirement may be fulfilled, and the exact effect of the amendment on the scope of the claim could be determined. In their last response, applicant has amended the specification in order to provide support for said limitation. Considering the amended paragraphs [0027-28], a permission is anything that is defined by access rights or privileges. This is definition is based on what is readily in the Specification, and presents nothing beyond what is generally understood in the art. Hence, the amendment is not considered new matter, and therefore, the amendments

are entered. In addition, the amended Specification allows clear interpretation and determination of the scope of the claims regarding said limitation. In light of the amendments, the rejection under section 112 to claims 1-16, 18-38 is hereby withdrawn.

5. Prior art rejections:

With regards to the independent claims, applicant argues:

"Futagami is concerned only with providing **personal information** contained within any such file, and not the file itself, and therefore does not teach or suggest "receiving a request for the security change from a requestor, the security change being used for determining access rights comprising permission to **retrieve an electronic file from within a secure file store,**" as recited in claim 1. Even if the request in Futagami produces, arguendo, a file, such as a vCard, it is not the "electronic file from within a secure file store," but some separate file **created** from information from the secure file store. "

However, first, if as stated but the applicant, Futagami teaches providing personal information contained within a file, then Futagami teaches retrieving the file itself. This is because to access information within a file, the file must be retrieved (accessed).

Second, if we consider applicant's argument that vCard is a file, it is not clear why the

vCard file is not an "electronic card from within a secure file store". Futugami still teaches accessing the vcard, which as stated by the applicant, is a separate file. This file contains personal information, and therefore is stored in a secure file system. Note Futugami's subject matter is controlling access to personal information. Therefore, the files containing personal information are considered secured. Therefore, Futugami still teaches said requirement of the claims. Also note that applicant's invention is directed to a file, without limiting the meaning of the file to anything different than a general file. The broadest interpretation of a file is any collection of information that can be manipulated by a computer.

Accordingly, applicant's argument is not persuasive, and the cited prior art teaches or makes obvious claim 1 feature of "receiving a request for the security change from a requestor, the security change being used for determining access rights comprising permission to retrieve an electronic file from within a secure file store." Applicant's argument regarding claims 1, 4, 15, 30, 37, 38 and claims 2, 3, 5-14, 16, 18-29, and 31-33 is based on the same feature discussed above. Regarding claims 34-36, applicant merely mentions a feature of said claims, without presenting any argument or discussing the associated rejection.

Applicant's argument regarding the new claims is moot in view of the associated rejections. Applicant also argues:

"Even assuming, *arguendo*, to which Applicant does not acquiesce, that Kleckner provides for the use of a plurality of approvers to change a security policy, nowhere does

Kleckner discuss the use of a quorum in this process. Accordingly, Kleckner does not provide any teaching or suggestion of "*determining*, for at least one response received from the approvers, *whether it remains possible* for a quorum of the approvers to approve the requested security change," as recited in claim 39, as such determination would find no basis in Kleckner on which to operate."

However, first a meaning of quorum, as defined by online Merriam-Webster dictionary is a select group of people. Kelchner teaches using two or more approvers, which matches a select group of people. There is no other specific meaning for the word quorum in the Specification or applicant's arguments. Therefore, Kleckner teaches the use of a quorum, by teaching a group of approvers (more than one approver). Second, the word "remains" does not exist in the claims' language. All the claim requires is determining whether it is possible for the approvers to approve the security change based on a response from the approvers. As indicated in the rejections, the cited prior art teaches or makes obvious that when the request is approved, an action is taken (the requested change is made) based on that approval. Therefore, there must be a response from the approvers, indicating the approval. This response determines that it is possible to approve the request.

Regarding the new claims capturing the language of the deleted features of the independent claims, applicant does not present any argument.

Accordingly, applicant's argument regarding allowability of the pending claims is found non-persuasive in view of the above discussion and the rejections outlined in the following section.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 16, 18-29, and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a file security system, and additional elements, all of which are configured to perform certain functionalities. The claims do not require the system to actually perform any of the functionalities. They are mere configuration that has the potential to do so. Therefore, the claims could be interpreted as software only, which is not statutory subject matter.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



8. Claims 1, 4, 15, 30, 37, 38, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futugami et al. (US Patent No. 6754665, filed June, 2000), hereinafter called Fug, in view of Kleckner and further in view of Morinville (US Patent Application Publication No. 2002/0062240, published May 23, 2002).

8.1. As per claims 1, 15, 30, 45 and 46 Fug is directed to a system for approving security change (see figures 18-21 and associated text, describing a system for providing personal information between a management server 6 and a client terminal (access requester) which has issued a retrieval request and between the management server 6 and a client terminal of a user (personal information owner) whose personal information is requested. The system describes a situation where the information requestor requests a change in permission to access user personal information (restriction removal inquiry). Column 18 line 27 to col. 20 line 67, and particularly col. 20 lines 60-67 teaches that a request for change in permissions to access user data is sent from a requestor and approved. User personal information is stored in a file (see for example col. 18 lines 7-25), and the file system is secured. The file system is secured because accessing to information requires authentication. Also see col. 17 line 62 to col. 18 line 37, where the personal information is stored on vcards, which is a file. Therefore, Fug teaches a system for receiving a request for the security change from a requestor, the security change being used for determining access rights to comprising permission to retrieve an electronic file from within a secure file store);

Also, Kleckner is directed to a method for approving a security change (parag. 127 to 132) for a file security system that secures electronic files (per abstract, Kleckner provides a system that uses digital signatures to validate an amendment to a financial transaction. Parag. 135 shows that the transactions are performed using records (files) that are secured using digital signatures.), said method comprising: receiving a requested security change from a requestor (parag. 131, where the new policy is communicated to a second security officer), the security change being used for determining access rights to an electronic file (paragraphs 134 and 135 show that the transaction record status is changed, pending valid approvals. Therefore, Kleckner teaches control access to the transaction record (electronic file)); identifying a plurality of approvers to approve or disapprove of the requested security change (the second security officer who verifies the change. Note that per parag. 131, at least one officer is required to review, therefore suggesting a plurality of reviewers.) by accessing an approver set in an approval manager module (Kleckner teaches identifying approvers, but it does not explicitly teach an approval manager module that identifies the approvers. Morinville teaches a Build process (paragraph 0087 and Fig. 9) where the request for approval is built and the list of approvers is identified. Kleckner and Morinville are analogous art, as they are both directed to the process of obtaining approvals for change in a process. At the time of invention, it would have been obvious to the one skilled in art to include the process of approver identification as taught by Morinville, in Kleckner's system. The motivation to do so would have been to facilitate the creation of the approval process in Kleckner's system by using a system that allows

creation of detailed and flexible approval process.); notifying the approvers of an approval request for the requested security change (Kleckner parag. 131 as discussed above); determining whether the requested security change is approved based on responses from the approvers to the approval request (parag. 131 where the second security officer signs and stores the new policy in the database); and performing the requested security change when said determining determines that the requested security change has been approved (parag. 132).

Fug and Kleckner in view of Morinville are also analogous art, as they are both directed to system for controlling access to information. At the time of invention it would have been obvious to implement the approval process of Kleckner in view of Morinville in the system of Fug, which manages permissions for providing personal information. The motivation would have been to improve the change inquiry process of Fug such that permission is allowed when a group of approvers approve the change request. This way a user may rely on approvers' expertise to decide if he/she should allow access to his/her personal information.

8.2. With regards to claim 4, Kleckner and Morinville are directed to a method as recited in claim 1, wherein determining whether the requested security change in approved includes determining that no one of the plurality of approvers is authorized to individually approve the requested security change (Kleckner parag. 130).

8.3. With regards to claims 37 and 38, Fug teaches a scenario where the personal information is stored on the requestor (Figure 4 and associated text shows user transmits its own information to a server. Therefore, the information is stored on the user side. This makes it obvious to use the system to manage information and permissions to access information on client's own computer.) and a scenario where the personal information is store on the server 6 (see figures 9 and 18 and associated text).

9. Claims 2, 3, 5-14, 16, 18-29, 31-36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fug, Kleckner and Morinville as applied to claims 1, 4, 15 and 30 above, and further in view of Gune et al. (US Patent No. 7,131,071, filed March 29, 2002).

10. With regards to claims 2, 3, 5-14, Fug and Kleckner in view of Morinville is directed to the method of claim 1 and teaches an approval process to control changes to security policies. However, Fug and Kleckner in view of Morinville does not discuss all the additional details related to the approval process as required by the dependent claims.

Kleckner, however, does require establishment of an approval process to perform trade approval, as well as an approval process to make changes to security policies. Therefore, a system capable of creating a detailed approval process would improve the system taught by Kleckner because it facilitates creation of the approval process

required in Kleckner, and also makes creation of the approval process more flexible and efficient.

Gune's invention is directed to a facility for defining an approval process (abstract) for approving different types of requests. Gune's system allows defining the details of elements of the approval process. At the time of invention, it would have been obvious for a person skilled in art to integrate Gune's facility, which allows detailed and flexible creation of an approval process (see for example col. 2 line 53 to col. 3 line 40), in the system of Kleckner to allow creation of a detailed approval process. As mentioned above, the motivation to do so would have been to facilitate the creation of the approval process in Kleckner's system by using a system that allows creation of detailed and flexible approval process.

The combined system of Fug, Kleckner, Morinville and Gune is directed to limitations of the claims as follows:

10.1. With regards to claims 2 and 3, transmission of notification to the approvers, and reception of their response using email is suggested by Kleckner col. 1, lines 25 to 37.

10.2. With regards to claim 5, Gune teaches arrangement of approvers in sets in col. 11 lines 18-25.

10.3. With regards to claim 6, Kleckner col. 9 lines 12 to 51 describes the AND approval process element, which requires two or more paths (approval process elements) to be approved independently so the overall process could be approved. Moreover, Fig. 21 describes an example showing each element (which could be a group, as discussed in rejection of claim 5) required to be approved independently for the entire process to be approved. Therefore, Gune teaches approval determining requiring approval from more than one plurality of groups.

10.4. As per claim 7, Gune col. 1 lines 36 to 44 shows a hierarchical approval process, which progression to a next level of hierarchy requires approval from the current level.

10.5. With regards to claim 8, the security officers of Kleckner are users of the security system as they use the system to secure the transactions.

10.6. With regards to claim 9, Gune col. 13, lines 33 to 43 indicates that subset of each element, which includes the group element could be used to define the approval process. Therefore, Gune teaches an approval process wherein a subset of set of approvers can approve the request.

10.7. With regards to claim 10, Gune col. 12 lines 3 to 12 describes creating an approval process relative to the type of request. Therefore, Gune teaches an approval

process wherein the selected elements (approvers) are dependent on the type of request.

10.8. With regards to claim 11, Gune col. 10, lines 30-35 teaches selecting an approver based on its position relative to the creator of the request. Therefore Gune teaches and approval process wherein the approvers are identified depending on the requestor.

10.9. With regards to claims 12 and 13, Gune col. 3, lines 19-27 teach simultaneous and concurrent notification of approvers.

10.10. With regards to claim 14, Kleckner teaches a system for securing trade records, which are electronic documents.

10.11. With regards to claim 16, Kleckner teaches the importance of separation of duties, and also teaches the security policy changes approval by a security officer and not the administrator. Therefore, Kleckner teaches an approval manager who changes approval process without any interaction from administrator(s).

10.12. With regards to claim 19, use of digital signatures to authenticate the sender of an email message was well-known to a person skilled in art at the time of invention.

10.13. With regards to claims 20 and 29, a key store connected to the system that uses digital signatures is inherent to systems using digital signature because keys are integral parts of digital signatures.

10.14. The limitations of the following claim are substantially the same as the corresponding claim:

Claims 18 and 31 correspond to claim 2

Claims 19 and 32 correspond to claim 3

Claims 21 and 33 correspond to claim 4

Claim 22 corresponds to claim 5

Claim 23 corresponds to claim 6

Claim 24 corresponds to claim 7

Claim 25 corresponds to claim 8

Claim 26 corresponds to claim 9

Claim 27 corresponds to claim 10

Claim 28 corresponds to claim 11

10.15. The limitations of claims 34-36 are substantially the same as limitations of claims 2, 3, and 4 sequentially, with the added limitation that if there is no approval required, the request is granted without the need to obtain approvals. This limitation is taught by Morinville paragraphs 77 or 86.



10.16. Claims 47 and 48 are dependent on claims 34 and 36, with added limitation similar to claim 45.

10.17. With regards to claims 39-44, the claims are dependent on independent claims discussed above with the added limitation of: determining, for at least one response received from the approvers, whether it is possible for a quorum of the approvers to approve the requested security change.

As discussed regarding the independent claims, the prior art teaches that the requested security change will happen when a quorum of approvers approve the request.

Therefore, once the approval is indicated by the approvers, it makes it obvious to determine that it is possible for the quorum of approvers to approve the security change. This is because the quorum of approvers has already approved the request. See also the Response to Arguments section above.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***/Farid Homayounmehr/***

***Examiner***

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***4/23/2010***